

106TH CONGRESS
2D SESSION

H. R. 4579

IN THE SENATE OF THE UNITED STATES

JULY 12, 2000

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the exchange of certain lands within the
State of Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Utah West Desert
3 Land Exchange Act of 2000”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The State of Utah owns approximately
7 95,095.19 acres of land, as well as approximately
8 11,187.60 acres of mineral interests, located in the
9 West Desert region of Utah and contained wholly or
10 partially within certain wilderness study areas cre-
11 ated pursuant to section 603 of the Federal Lands
12 Policy and Management Act of 1976, or proposed by
13 the Bureau of Land Management for wilderness
14 study area status pursuant to section 202 of that
15 Act. These lands were granted by the Congress to
16 the State of Utah pursuant to the Utah Enabling
17 Act of 1894 (chapter 138; 23 Stat. 107), to be held
18 in trust for the benefit of the State’s public school
19 system and other public institutions. The lands are
20 largely scattered in checkerboard fashion amidst the
21 Federal lands comprising the remainder of such ex-
22 isting and proposed wilderness study areas.

23 (2) Development of surface and mineral re-
24 sources on State trust lands within existing or pro-
25 posed wilderness study areas, or the sale of such
26 lands into private ownership, could be incompatible

1 with management of such lands for nonimpairment
2 of their wilderness characteristics pursuant to sec-
3 tion 603(c) of the Federal Land Policy and Manage-
4 ment Act of 1976 or with future congressional des-
5 ignation of the lands as wilderness.

6 (3) The United States owns lands and interests
7 in lands outside of existing and proposed wilderness
8 study areas that can be transferred to the State of
9 Utah in exchange for the West Desert wilderness
10 inholdings without jeopardizing Federal management
11 objectives or needs.

12 (4) The large presence of State trust land
13 inholdings in existing and proposed wilderness study
14 areas in the West Desert region makes land and re-
15 source management in these areas difficult, costly,
16 and controversial for both the State of Utah and the
17 United States.

18 (5) It is in the public interest to reach agree-
19 ment on exchange of such inholdings, on terms fair
20 to both the State of Utah and the United States.
21 Such an agreement, subject to ratification by the
22 Congress, would save much time and delay in meet-
23 ing the legitimate expectations of the State school
24 and institutional trusts, in simplifying management
25 of Federal lands, and in avoiding the significant

1 time and expense associated with administrative land
2 exchanges.

3 (6) The State of Utah and the United States
4 have reached an agreement under which the State
5 would exchange certain State trust lands within
6 specified wilderness study areas and areas identified
7 as having wilderness characteristics in the West
8 Desert region for various Federal lands and inter-
9 ests in lands outside of those areas but in the same
10 region of Utah. The agreement also provides for the
11 State to convey to the United States approximately
12 483 acres of land in Washington County, Utah, that
13 has been designated as critical habitat for the
14 Desert Tortoise, a threatened species, for inclusion
15 in the Red Cliffs Desert Reserve.

16 (7) Because the inholdings to be acquired by
17 the Federal Government include properties within
18 some of the most spectacular wild areas in the west-
19 ern United States, and because a mission of the
20 Utah School and Institutional Trust Lands Adminis-
21 tration is to produce economic benefits for Utah's
22 public schools and other beneficiary institutions, the
23 exchange of lands called for in this agreement will
24 resolve longstanding environmental conflicts with re-
25 spect to the existing and proposed wilderness study

1 areas, place important natural lands into public
2 ownership, and further the interests of the State
3 trust lands, the school children of Utah, and these
4 conservation resources.

5 (8) Under this agreement taken as a whole, the
6 State interests to be conveyed to the United States
7 by the State of Utah, and the Federal interests to
8 be conveyed to the State of Utah by the United
9 States, will be approximately equal in value.

10 (b) PURPOSE.—The purpose of this Act is to enact
11 into law and direct prompt implementation of this agree-
12 ment, and thereby to further the public interest by consoli-
13 dating State and Federal lands into manageable units
14 while facilitating the protection of lands with significant
15 scientific, cultural, and natural resources.

16 **SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BE-**
17 **TWEEN THE STATE OF UTAH AND THE DE-**
18 **PARTMENT OF THE INTERIOR.**

19 (a) AGREEMENT.—The State of Utah and the De-
20 partment of the Interior have agreed to exchange certain
21 Federal lands and mineral interests in the State of Utah
22 for lands and mineral interests of approximately equal
23 value managed by the Utah School and Institutional Trust
24 Lands Administration wholly or partially within certain

1 existing and proposed wilderness study areas in the West
2 Desert region of Utah.

3 (b) RATIFICATION.—All terms, conditions, proce-
4 dures, covenants, reservations, and other provisions set
5 forth in the document entitled “Agreement for Exchange
6 of Lands—West Desert State-Federal Land Consolida-
7 tion”, dated May 30, 2000 (in this Act referred to as “the
8 Agreement”), are hereby incorporated in this Act, are rati-
9 fied and confirmed, and set forth the obligations of the
10 United States, the State of Utah, and the Utah School
11 and Institutional Trust Lands Administration, as a matter
12 of Federal law.

13 (c) CONDITION.—Before exchanging any lands under
14 this Act, the Secretary of the Interior and the State of
15 Utah shall each document in a statement of value how
16 the determination of approximately equal value was made
17 in accordance with section 206(h) of the Federal Land
18 Policy and Management Act of 1976 (43 U.S.C. 1716(h)),
19 provided that the provisions of paragraph (1)(A) of section
20 206(h) of such Act shall not apply. In addition, the Sec-
21 retary and the State shall select an independent qualified
22 appraiser who shall review the statements of value as pre-
23 pared by the Secretary and the State of Utah and all docu-
24 mentation and determine if the lands are of approximately
25 equal value. If there is a finding of a difference in value,

1 then the Secretary and the State shall adjust the exchange
2 to achieve approximately equal value.

3 **SEC. 4. CONVEYANCES.**

4 (a) CONVEYANCES.—All conveyances under sections
5 2 and 3 of the Agreement shall be completed within 70
6 days after the date on which the condition set forth in
7 section 3(c) is met.

8 (b) MAPS AND LEGAL DESCRIPTIONS.—

9 (1) IN GENERAL.—The maps and legal descrip-
10 tions referred to in the Agreement depict the lands
11 subject to the conveyances under the Agreement.

12 (2) PUBLIC AVAILABILITY.—The maps and de-
13 scriptions referred to in the Agreement shall be on
14 file and available for public inspection in the offices
15 of the Secretary of the Interior and the Utah State
16 Director of the Bureau of Land Management.

17 (3) CONFLICT.—In case of any conflict between
18 the maps and the legal descriptions in the Agree-
19 ment, the legal descriptions shall control.

1 **SEC. 5. COSTS.**

2 The United States and the State of Utah shall each
3 bear its own respective costs incurred in the implementa-
4 tion of this Act.

Passed the House of Representatives July 11, 2000.

Attest:

JEFF TRANDAHL,

Clerk.